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July 31, 2008

Re: New Jersey Carpenters Vacation Fund v. HarborView  
Mortgage Loan Trust 2006-4, et al. (Civ. No. 08-5093-HB)

Dear Judge Baer:

We represent The McGraw-Hill Companies, Inc. in the above-referenced matter. We write on behalf of all Defendants to request leave to file the attached Sur-Reply Memorandum of Law in Further Opposition to Plaintiff's Motion to Remand ("Sur-Reply"), which responds to certain points raised in Plaintiff's Reply Memorandum of Law ("Reply") which could not have been addressed in Defendants' Opposition to Plaintiff's Motion to Remand.

Specifically, Plaintiff's Reply relies heavily on the Ninth Circuit's July 16, 2008 decision in *Luther v. Countrywide Home Loans Servicing LP*, 2008 U.S. App. LEXIS 15115 (9th Cir. July 16, 2008), which was decided after Defendants submitted their papers in opposition to Plaintiff's motion to remand. We seek to address the Ninth Circuit opinion and Plaintiff's characterization thereof in the attached Sur-Reply. Defendants also seek to address briefly two additional points raised for the first time in Plaintiff's Reply.

Accordingly, we respectfully request leave to file the attached Sur-Reply.

Sincerely,

Floyd Abrams  
Attorneys for Defendant  
The McGraw-Hill Companies, Inc.

SO ORDERED: Harold Baer, Jr., U.S.D.J.

Date: 8/7/08

*Handwritten notes:*  
- will look at the case but don't want to change the F.R.C. for you - there is no Sur Reply & return these (will for reason. We will listen to you that o/A)

Honorable Harold Baer  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 2230  
New York, NY 10007

cc: All Attorneys of Record

Endorsement:

I will look at the case but doubt I'll be able to change the FRCP for you - there is no sur reply and I return this brief for that reason. We will listen to you at oral argument.